

Remarks:

Reconsideration of the application, as amended herein, is respectfully requested.

Claims 1 - 3, 5 - 13, 15 - 23 and 25 - 34 are presently pending in the application. Claims 11 - 13 and 15 - 21 have been amended. Claims 4, 14 and 24 were previously canceled. As it is believed that the claims were patentable over the cited art in their previously presented form, the claims have not been amended to overcome the references.

Applicants gratefully acknowledge that page 3 of the above-identified Office Action indicated that claims 1 - 3, 5 - 10 and 31 - 34 were allowable and that claims 11 - 13 and 15 - 20 would be allowable if the 35 U.S.C. § 101 rejection were overcome and, further, that claims 21 - 23 and 25 - 30 would be allowable if the informalities listed in the claim objections were addressed. Applicants have addressed the issues raised in the Office Action and, as such, believe that all claims are in condition for immediate allowance, and such action is respectfully requested.

More particularly, on page 2 of the Office Action, claims 11 - 13 and 15 - 20 were rejected under 35 U.S.C. § 101, as allegedly not being directed towards statutory subject matter. Applicants have amended claims 11 - 13 and 15 - 20 to direct

the subject matter of those claims to a "data transmission system" including, among other limitations, a transmitter of the base station configured in a particular manner, mobile stations including a particularly configured transmitter and a device for producing guard time intervals. As such, Applicants' claims 11 - 13 and 15 - 20 are sufficiently tied to a machine (i.e., particularly configured transmitters, etc.) so as to be statutory subject matter under 35 U.S.C. § 101. Thus, as stated on page 3 of the Office Action, Applicants' claims 11 - 13 and 15 - 20 are believed to be in condition for allowance.

Also on page 2 of the Office Action, Applicants' claims 21 - 23 and 25 - 30 were objected to on the basis of an informality in claim 21. Applicants would like to thank the Examiner for the detailed instructions for curing this informality provided on page 3 of the Office Action. The amendments made to claim 21 herein are believed to address the informalities raised on page 2 of the Office Action. As such, as set forth on page 3 of the Office Action, Applicants' claims 21 - 23 and 25 - 30 are additionally believed to be in condition for immediate allowance.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest

the features of claims 1, 11, 21, and 31. Claims 1, 11, 21, and 31 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1, 11 or 21.

In view of the foregoing, reconsideration and allowance of claims 1 - 3, 5 - 13, 15 - 23 and 25 - 34 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemmer LLP, No. 12-1099.

Respectfully submitted,

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